

SUBJECT: Tow/Impound of Vehicles	NUMBER: 1-34.01
EFFECTIVE DATE:	REVIEW DATE:
NMMLEPSC STANDARDS: OPR.07.16	APPROVED: Sheriff

I. POLICY

Department Policy is to authorize the towing of vehicles when necessary as a matter of public safety, to protect property, to preserve evidence, and to remove abandoned vehicles from county streets and property. The department will maintain records of all vehicles removed, stored, or towed at the direction of a deputy.

II. RULES AND REGULATIONS

- A. Whenever a vehicle is towed an incident report will be made documenting the facts and circumstances for the tow.
- B. All vehicle VIN's will be checked through NCIC prior to being towed or impounded.
- C. Vehicles will be towed when:
 1. The driver has been incapacitated or arrested and when the vehicle cannot be released to a responsible party.
 2. The vehicle has been abandoned, vandalized, involved in a crash to the extent that it is inoperable, and/or is in violation of the traffic code, and the owner cannot be contacted.
 3. The vehicle is needed for evidence in a criminal investigation.
 4. The vehicle is being confiscated and/or held by court order.
- D. Deputies may order the impoundment of any vehicle within Valencia County without prior notice to the owner or operator of the vehicle, when a vehicle is being driven unsafely under state law due to one of the following:
 1. Failure to have insurance on the vehicle as required under state law and as documented by one of the following:
 - a) Confirmation through the NM Motor Vehicle Department records, for failure to have insurance within the last six months.

- b) Confirmation by the citing deputy from the insurance company that the vehicle is not covered by insurance.
- E. Not having a driver's license and/or vehicle registration is not in itself a reason to tow a vehicle.
- F. Requests for wrecker service by any member of this department acting in an official capacity of the department shall be restricted to the wrecker on call in accordance with the wrecker rotation schedule unless the owner or operator of the vehicle to be towed requests a wrecker from a specific company. Deputies will notify dispatch of all request for wreckers.
- G. Deputies will inventory the property in the vehicle to be towed and list the property on a tow sheet. The ignition key will be left with the vehicle, if possible. All vehicle compartments will be inventoried. Containers, which may contain property, that are secured/locked will not be forced open without a warrant.
- H. Tow sheets will be completed on all vehicles that are towed. Two copies of the tow sheet will be made. The original will be submitted with the incident report and a copy will be given to the tow truck driver. Any visible damage to the interior or exterior of a vehicle and the general condition of the vehicle should be noted on the tow sheet.
- I. Vehicles involved in crashes will be towed in accordance with section "C" of this policy or when the owner or operator requests a wrecker.
- J. Holds placed on towed vehicles
 - 1. If the vehicle is need for a criminal investigation it may be towed and secured in the Sheriff's Department impound lot. Depending on the circumstances the vehicle may be held at the tow company. Deputies should consult with their supervisor on where it will be held.
 - a. Generally a warrant will be needed to process the vehicle for evidence.
 - b. Vehicles should be processed for evidence in a timely manner
 - c. Vehicles should not be held longer than necessary.
 - 2. Vehicles that are towed for altered or unknown VIN may be held for 72 hours and then must be released to the owner or affidavit of continued impoundment must be filed with the court. Refer to 66-3-507 NMSA 1978.
 - 3. Vehicles that are subject to forfeiture will be impounded and a hold placed on the vehicle until forfeiture proceedings can take place.
- K. Abandoned Vehicles
 - 1. Vehicle abandoned on private property will not be impounded unless it is needed for evidence in a criminal investigation or they are being impounded subject to court

orders.

2. Vehicles abandoned on road ways will be towed in accordance with 66-7-350 NMSA 1978.

L. The owner or operator of a vehicle may select a wrecker of their choice or release their vehicle to a qualified driver present at the scene.

a. If the owner/operator wants to release the vehicle to a qualified driver, deputies may check the driver license of the person that the vehicle is being released to. Deputies will document these actions in an incident report.

M. Wreckers will not be cancelled once called. Deputies will discuss options within this policy for the towing of vehicles with owner or operator prior to calling for a wrecker.